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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,044	08/25/2000	CHANDRA V. MOULI	MIO 0054 PA	6800
7590	07/22/2005		EXAMINER	
KILWORTH GOTTMAN HAGAN & SCHAEFF LLP ONE DAYTON CENTRE SUITE 500 ONE SOUTH MAIN STREET DAYTON, OH 45402-2023			NADAV, ORI	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/648,044	<b>Applicant(s)</b> MOULI ET AL.	
	<b>Examiner</b> Ori Nadav	<b>Art Unit</b> 2811	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 45-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 45-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 45 is rejected under 35 U.S.C. 102(e) as anticipated by Kusunoki et al. (6,335,549).

Kusunoki et al. teach in figure 11 and related text a circuit structure comprising a semiconductor layer 1; a source region and a drain region 6, 7 in the semiconductor layer which are lightly doped and heavily doped with a first conductivity-type dopant; a channel region located between the source/drain regions;

a gate oxide layer located on a surface of the channel region, the entire said gate oxide layer having a substantially uniform thickness; and

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a gate electrode comprising polysilicon and one or more additional layers selected from the group consisting of metals, metal alloys, highly doped polysilicon, silicides, and polycides (polysilicon/metal silicide stacks) having first and second leading edges located on a portion of the gate oxide layer,

where a portion of the gate oxide layer 22 defines a first overlap region which is only beneath the gate electrode and adjacent the first leading edge and inward of the second leading edge and a second overlap region of the oxide layer (part of layer 12) located only beneath said gate structure and adjacent said first overlap region and said second leading edge and adjacent the drain region, the overlap region having an ion implant concentration higher than in said second overlap region and all remaining oxide layer portions extending outwardly from both the first and second leading edges of the gate structure, and which can be effective to lower the surface electrical field in the overlap region, and including a pair of spaces 8 adjacent the gate electrode.

### ***Claim Rejections - 35 USC § 102/103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kusunoki et al.

Kusunoki et al. teach in figure 11 and related text a circuit structure comprising a semiconductor layer 1; a source region and a drain region 6, 7 in the semiconductor layer which are lightly doped and heavily doped with a first conductivity-type dopant; a channel region located between the source/drain regions;

an oxide layer formed on the semiconductor layer, the entire said oxide layer having a substantially uniform thickness;

a gate electrode formed on a portion of the oxide layer and having first and second leading edges, and

where a portion of the oxide layer defines a first overlap region 22 which is beneath the gate electrode and adjacent the first leading edge and inward of the second leading edge and a second overlap region 12 of the oxide layer located beneath said gate structure and adjacent said first overlap region and said second leading edge and adjacent the drain region, the overlap region having an ion implant concentration higher than in said second overlap region 12 and all remaining oxide layer portions extending outwardly from both the first and second leading edges of the gate structure, and which can be effective to lower the surface electrical field in the overlap region.

Kusunoki et al. do not explicitly state that the impurity concentration is sufficient to lower the surface electrical field in the overlap region. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use sufficient impurity

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concentration in Kusunoki et al.'s device to lower the surface electrical field in the overlap region in order to improve the device characteristics.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 8-9, 46-53 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki et al. in view of Akram.

Kusunoki et al. teach substantially the entire claimed structure, as applied to claim 1 above, except using a fluorine concentration of about  $1 \times 10^{18}$  atoms per cubic centimeter. Akram teaches using fluorine. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a fluorine concentration of about  $1 \times 10^{18}$  atoms per cubic centimeter in Kusunoki et al.'s device, in order to increase the effective gate thickness of the device and since it is within the skills of an artisan in order to improve the characteristics of the device by routine experimentation and optimization. Note that differences in concentration or temperature do not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the

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general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller , 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1955). See also In re Hoeschele , 406 F.2d 1403, 160 USPQ 809 (CCPA 1969). For more recent cases applying this principle, see Merck & Co. Inc. v. Biocraft Laboratories Inc. , 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied , 493 U.S. 975 (1989), and In re Kulling , 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990).

Regarding claims 8-9 and 52-53, Akram teaches a gate electrode being a gate stack 104 comprising polysilicon and one or more additional layers 22 selected from the group consisting of metals, metal alloys, highly doped polysilicon, silicides, and polycides (polysilicon/metal silicide stacks) having first and second leading edges located on a portion of the gate oxide layer. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a gate electrode comprising a gate stack electrode 104 comprising polysilicon and one or more additional layers 22 selected from the group consisting of metals, metal alloys, highly doped polysilicon, silicides, and polycides (polysilicon/metal silicide stacks) having first and second leading edges located on a portion of the gate oxide layer, in Kusunoki et al.'s device, in order to reduce the contact resistance of the device.

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Regarding claims 47 and 55, Akram et al. teach a channel region between a pair of filed isolation regions, wherein all remaining gate oxide layer portions extending between said pair of filed isolation regions.

Regarding claim 56, Kusunoki et al. teach in figure 44 source and drain regions each having first and second dopants wherein the second dopant extending deeper into the semiconductor layer than the first dopant.

Claims 10 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki et al. in view of Admitted Prior Art (APA).

Kusunoki et al. teach substantially the entire claimed structure, as applied to claims 3 and 47 above, except a gate electrode is comprised of a layer of polysilicon, a layer of titanium nitride deposited on the polysilicon layer, and a layer of tungsten deposited on the titanium layer. APA teaches in figure 1 a gate electrode is comprised of a layer of polysilicon 18, a layer of titanium nitride 20 deposited on the polysilicon layer, and a layer of tungsten 22 deposited on the titanium layer. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a gate electrode comprising of a layer of polysilicon, a layer of titanium nitride deposited on the polysilicon layer, and a layer of tungsten deposited on the titanium layer in Kusunoki et al.'s device, in order to reduce the contact resistance of the device.



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Claims 11-12, 14 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki et al. in view of Motoyoshi et al. (JP 6-53492).

Regarding claim 12, Kusunoki et al. teach substantially the entire claimed structure, as applied to claim 3 above, except using the transistor in a CMOS configuration.

Motoyoshi et al. use a transistor having a gate oxide comprising fluorine in a CMOS configuration. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use Kusunoki et al.'s transistor in a CMOS configuration in order to use the device in a specific application which requires a CMOS device.

Regarding claims 11 and 57, Motoyoshi et al. teach in figure 7 a pair of conductive studs and an interlevel dielectric layer provided on the semiconductive layer, the interlevel dielectric layer have a pair of through holes, each accommodating one of each the pair of conductive studs, and one of each the pair of conductive studs contacting one of each the source/drain regions. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a pair of conductive studs through an interlevel dielectric layer provided on the semiconductive layer, the interlevel dielectric layer have a pair of through holes, each accommodating one of each the pair of conductive studs, and one of each the pair of conductive studs contacting one of each the source/drain regions in Kusunoki et al.'s device in order to operate the device in its intended use. Note that the device would not operate without external connections.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki and Motoyoshi et al., as applied to claim 12, and further in view of Akram. Kusunoki et al. and Motoyoshi et al. teach substantially the entire claimed structure, as applied to claim 12 above, except using a fluorine concentration of about  $1 \times 10^{18}$  atoms per cubic centimeter. Akram teaches using fluorine. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a fluorine concentration of about  $1 \times 10^{18}$  atoms per cubic centimeter in Kusunoki et al. and Motoyoshi et al.'s device, in order to increase the effective gate thickness of the device and since it is within the skills of an artisan in order to improve the characteristics of the device by routine experimentation and optimization. Note that differences in concentration or temperature do not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1955). See also In re Hoeschele, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969). For more recent cases applying this principle, see Merck & Co. Inc. v. Biocraft Laboratories Inc., 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989), and In re Kulling, 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 and 45-57 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Loke can be reached on 571-272-1657. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



O.N.  
7/19/05

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